

Nice little earner during sickness absence!

Dear PicassoHR,

Bob has been signed off sick for three weeks now with a bad back. Last night one of my employees saw Bob driving a taxi with passengers on board. What's galling is that he's on full pay whilst off sick. His back can't be as bad as he's making it out to be. Now I don't know about you, but this can't be right. Surely this is moonlighting and deception and we can dismiss him for gross misconduct. Your advice would be appreciated.

Yours,

Ian Thedark



Lina Hogg.

Dear Ian,

Do be careful, it may not be that clear cut. Until you have conducted a thorough investigation, you won't know what has really been going on. Initially, we suggest that you look at your sickness absence policy to see if it contains a clause that prevents staff from working during sickness absence, or at least not without your consent.

There was a tribunal case between Nissan and Mr Murphy. Mr Murphy had 16 years' service and was off sick with stress and anxiety for the second time. He was caught doing odd jobs whilst off sick. This was discovered after the company's HR department hired a private investigator to snoop on him. Nissan dismissed him. Mr Murphy brought a claim of unfair dismissal. He argued that there was nothing in their sickness policy that said that an employee couldn't work during sickness absence. Nissan argued that it was fraudulent. Mr Murphy said that he was advised by his doctor to keep busy to help his condition. He admitted to doing some jobs and getting cash for them, which he subsequently returned. The tribunal awarded Mr Murphy £65,000 for unfair dismissal! So, apart from checking your policy, what should you do?

1. As part of the investigation you should contact Bob's doctor in order to gain a more accurate understanding of the nature of his illness, together with a likely prognosis and return to work date. You may also consider obtaining an occupational health assessment, if you haven't already.

2. Based on the findings, decide whether:

- He has breached any terms of his contract
- He is fit to return to work
- Work modifications in terms of working hours, shift patterns or duties would facilitate a phased return to work

3. Only when it becomes clear that he is fit to fully return to work and, has been so for some time, or where there is a clause in his contract that specifically prohibits him from undertaking any other work during periods of sickness absence, should the question of proceeding with disciplinary action be raised.

If you need assistance with the disciplinary hearing and/or drafting your policies & procedures, please do not hesitate to contact us.

The PicassoHR Team

Telephone: 01473 890037

Fax: 01473 785066

Email: info@picassoHR.com

Website: www.picassoHR.com

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the art of people management

Business leaders must not suffer in silence over varicose vein problems

A LEADING vascular surgeon has warned business leaders of the dangers of varicose and thread veins.

With figures revealing that one in five people will suffer from varicose vein problems, the business community are a prime target given their hectic lifestyles.

But Michael Gaunt has moved to reassure company chief executives and directors that treatment for varicose veins doesn't have to mean months away from the boardroom.

Mr Gaunt, an award-winning surgeon based in Cambridge and Suffolk, said: "Once upon a time, varicose vein surgery would be very complicated and time-consuming.

"But the medical advances have come on to such a degree that there is less pain, less discomfort and, most importantly, people can be back on their feet within days.

"Treating varicose veins once required major surgery, a general anaesthetic and a hospital stay. But this is no longer the case – we are now talking about days and weeks rather than months."

Mr Gaunt said early diagnosis and treatment was key to ensuring any problems were dealt with quickly and positively.

He believes members of the business world, especially men, might be embarrassed by having varicose veins – when in fact the very nature of their work means they are high risk.

And ignoring the problems can often lead to much greater problems such as venous eczema, venous ulceration and even, in the worst case example, amputation of the leg.

Michael performs more than 500 procedures a year privately on varicose veins, thread veins and facial veins. He is a pioneer of the Endovenous Laser technique at The Spire Lea Hospital in Cambridge and the Bury St Edmunds BMI Hospital.

He said the use of ultrasound has revolutionised varicose vein treatment as it allows him to accurately map the veins, find out exactly what is going on and plan the most appropriate treatment.

In the NHS he works at both at Addenbrooke's Hospital, Cambridge and West Suffolk Hospital in Bury St Edmunds and heads an active research laboratory at Cambridge University.

Privately, Michael treats patients at the Cambridge Spire Lea Hospital, the Cambridge Nuffield Hospital, and the Bury St Edmunds BMI Hospital.

Mr Gaunt was one of the first surgeons in the UK to perform the latest radial laser technique, which avoids the need to insert local anaesthetic along the vein – making the technique even less invasive than traditional laser vein treatment.

He said: "I am committed to cutting-edge research which puts me at the forefront of the very latest treatments and techniques.

"I am fully aware how busy people's lives are and those in the business world often don't have time for medical treatment and recuperation.

"But my advice to them would be don't ignore the signs of varicose veins. Ignorance can often lead to greater problems. Whereas responding immediately can often mean only a short time off work for a long-term solution."

More information is available from www.michaelgaunt.com or by calling 01223 305858



Mr Michael Gaunt 
Consultant Vascular Surgeon
Varicose and Thread Vein